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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,104	05/31/2006	Franciscus Lucas Antonius Johannes Kamperman	NL031413	2064

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EXAMINER	
HAILU, TESHOME	

ART UNIT	PAPER NUMBER
2139	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/596,104	KAMPERMAN ET AL.	
	Examiner	Art Unit	
	Teshome Hailu	2139	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-22 are pending

Specification

2. The disclosure is objected to because of the following informalities: The specification should include subtitle for field of invention, background, summary of the invention, brief description of the drawings and detailed description. Although the specification discloses all this information, it should be supported by the subtitle. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 8-9, 11-12, 15, 19-20 and 22are rejected under 35 U.S.C. 102(e) as being anticipated by Leung et al (Leung), US 7,010,808.

As per claims 1 and 12 Leung discloses:

A method for performing digital right management in a network, the method comprising the steps of: (abstract, line 1-6, digital content is rendered on a device by transferring the content to the device and obtaining a digital license corresponding to the content). Where the license is the digital right to access the digital content.

Storing (251), in a first authorised device (211), a master right associated with a content, which master right controls what type of access the first authorised device has to said associated content; (column 2, line 40-47, the device received the digital content including with the digital license for the content) and (column 13, line 27-33, the digital content has been distributed to and received by a user and placed by the user on the computing device in the form of a stored file).

Deriving a subright from the master right, which subright controls what type of access a second authorised device (261) is given to said associated content; distributing (271) the subright to said second authorised device, given that said second device complies with a predetermined distribution criterion associated with the master right. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

As per claims 4 and 15 Leung discloses:

The method according to claim 1, further comprising the step of revoking (581) the subrights (522, 532, 542, 552, 562) derived from the master right (512) when said master right exits (571) the network (501). (Column 3, line 54-59, wherein a portable device connect to a computer for purposes of downloading content and a corresponding sub-license in accordance with the invention). If the transferring device log off from this connection, it is inherently clear that the device revoke transferring the sub license.

As per claims 8 and 19 Leung discloses:

The method according to claim 1, wherein the control of the type of access that a second authorised device (261) is given to said associated content by a subright, and the predetermined distribution criteria associated with the master right, are set by a service provider (221). (Column34, line 38-44, the computer may issue such sub-license only if permitted according to the terms of the corresponding license as obtained by the computer from an appropriate license server).

As per claims 9 and 20 Leung discloses:

The method according to claim 1, wherein the control of the type of access that a second authorised device (261) is given to said associated content by a subright, and the predetermined distribution criteria associated with the master right, are set by the first authorised device (211). (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claims 10 and 21 Leung discloses:

The method according to claim 1, wherein a content quality parameter is set in the subright, which parameter decides the quality with which said associated content can be rendered by the second authorised device. (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claims 11 and 22 Leung discloses:

The method according to claim 1, wherein the second authorised device (461) further performs the step of: contacting the first authorised device (411) storing the master right (412) before exercising the subright (462). (See the connection between the computer and portable device in fig. 13).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 2-3 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung, US 7,010,808, and further in view of Messerges, US Pub. No. 2004/0103312.

As per claims 2 and 13 Leung discloses:

The method according to claim I, further comprising the step of measuring the distance (381) between the first authorised device (311) and the second authorised device (361), wherein said predetermined distribution criterion is that the distance between the first authorised device and the second authorised device shall be smaller than a maximum distribution distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung dose not explicitly discloses, the distance between the first and second devices. On the other hand, on the same field of endeavor, Messerges teaches the above limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the distance criteria using the teaching of Messerges. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and greatly improve the security of the system. (Page1, paragraph 10).

As per claims 3 and 14 Leung discloses:

The method according to claim 1 further comprising the steps of: measuring the distance (481) between the first authorised device (411) and the second authorised device (461); and allowing, by means of exercising the subright (462) which has been distributed to said second authorised device, the second authorised device access to the associated content if the distance between the first authorised

device and the second authorised device is smaller than a maximum access distance. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung dose not explicitly discloses, the distance between the first and second devices. On the other hand, on the same field of endeavor, Messerges teaches the above limitation as, (page 1, paragraph 11, short-range transfer of Digital Right Management (DRM) information helps ensure that devices in the same domain were at one time physically near each other, which is one way to help enforce a security policy that devices cannot be added to a domain over large distances).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the distance criteria using the teaching of Messerges. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and greatly improve the security of the system. (See Page1, paragraph 10).

7. Claims 2-7 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leung, US 7,010,808, and further in view of Messerges, US Pub. No. 2004/0088541.

As per claims 5 and 16 Leung discloses:

The method according to claim 1, wherein the first authorised device (511) and the second authorised device (521, 531, 541, 551, 561) are comprised in an authorised domain (501), and the size of the authorized domain is managed by the master right (512). (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung dose not explicitly discloses, the size of authorized domain. On the other hand, on the same field of endeavor, Messerges teaches the above limitation as, (page 5, paragraph 47, user

equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the size of domain using the teaching of Messerges. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and improve the security of the system.

As per claims 6 and 17 Leung discloses:

The method according to claim 5, wherein said first authorised device (511) storing the master right (512) manages the authorised domain (501). (Column 34, line 40-48, the computer re-writes at least a portion of the license when issuing the sub-license to be in a form more amenable to the portable device).

As per claims 7 and 18 Leung discloses:

The method according to any one of claim 5 wherein said predetermined distribution criterion is that the number of authorised devices (511, 521, 531, 541, 551, 561) or persons which are allowed in the authorised domain (501) shall be smaller than a maximum domain participant number. (Column 2, line 40-46, sub-license corresponding to and based on the obtained license is composed and transferred to the device and the content is rendered on the device only in accordance with the terms of the sub-license).

Leung dose not explicitly discloses the size of authorized domain. On the other hand, on the same field of endeavor, Messerges teaches the above limitation as, (page 5, paragraph 47, user equipment 701, 702, 703 are also part of a domain of devices 700, which may contain a limited number of devices).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention was made, to modify the teaching of Leung and include the size of domain using the teaching of

Messerges. The modification would be obvious because one of ordinary skill in the art would be motivated to add the above limitation and improve the security of the system.

Conclusion

8. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure

TITLE: Digital right management, US Pub. NO. 2007/0061886.

TITLE: Entry point for digital rights management data, US Pub. No. 2005/0246777.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teshome Hailu whose telephone number is (571) 270-3159. The examiner can normally be reached on Mon-Fri 7:30a.m. to 5:00p.m. PST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Teshome Hailu

January 04, 2008

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